

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANTHONY HART,

Plaintiff,

vs.

HILLSDALE COUNTY, a Municipal Corporation; AGENTS CHRISTINE WAHTOLA; KWINN LEVA; LT. TIMOTHY PARKER; CITY OF HILLSDALE and OFFICERS SHELBY RATHBUN and OFFICER TODD HOLTZ; MICHIGAN STATE POLICE ANALYSTS MELISSA MARINOFF and MARCI KELLY, in Their individual capacities; WATCH SYSTEMS, LLC, a Louisiana Corporation; and ATTORNEY KIMBERLEY BURGER, KB LAW OFFICE, P.C. and PARKER, HAYES & LOVINGER, P.C., all jointly and severally,

Case No. 16-cv-10253  
Hon. Denise Page Hood  
Mag. Judge Elizabeth A. Stafford

Defendants.

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**WILLIAM H. GOODMAN (P14173)**  
**JULIE H. HURWITZ (P34720)**  
**KATHRYN BRUNER JAMES (P71374)**  
**HUWAIDA ARRAF (New York Bar #4707220)**  
Attorneys for Plaintiff  
1394 E. Jefferson Avenue  
Detroit, MI 48207  
(313) 567-6170  
[bgoodman@goodmanhurwitz.com](mailto:bgoodman@goodmanhurwitz.com)  
[jhurwitz@goodmanhurwitz.com](mailto:jhurwitz@goodmanhurwitz.com)  
[kjames@goodmanhurwitz.com](mailto:kjames@goodmanhurwitz.com)

**STEVEN T. BUDAJ (P30154)**  
Attorney for Plaintiff  
65 Cadillac Square, Ste. 2915  
Detroit, MI 48226  
(313) 963-9330  
[Stbudaj@counsel.cc](mailto:Stbudaj@counsel.cc)

**ROGER A. SMITH (P27722)**  
Attorney for City of Hillsdale, Officers Rathbun & Holtz  
39572 Woodward Avenue, Ste. 200  
Bloomfield Hills, MI 48304  
(248) 593-6100  
[rsmith@mattablair.com](mailto:rsmith@mattablair.com)

**DAVID M. BLACK (P25047)**

Attorney for Plaintiff  
One Towne Square, Ste. 1700  
Southfield, MI 48076  
(248) 355-0300  
[dblack@sommerspc.com](mailto:dblack@sommerspc.com)

**JAMES L. DYER (P32544)**

Attorney for Defendants Hillsdale County,  
Wahtola, and Parker  
822 Centennial Way, Ste. 270  
Lansing, MI 48917  
(517) 886-3800  
[jdyer@jrsjlaw.com](mailto:jdyer@jrsjlaw.com)

**ERIK A. GRILL (P64713)**

**DANA WOOD (P71955)**  
Attorneys for Defendants Marci Kelly  
and Melissa Marinoff  
P.O. Box 30736  
Lansing, MI 48909  
(517) 373-6434  
[grille@michigan.gov](mailto:grille@michigan.gov)

**DALE A. ROBINSON (P55522)**

Attorney for Defendant Watch Systems  
333 W. Fort Street, Ste. 1600  
Detroit, MI 48226  
(313) 965-6100  
[Drobinson@rmrtt.com](mailto:Drobinson@rmrtt.com)

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**DEFENDANT WATCH SYSTEMS, LLC'S  
PRELIMINARY DESIGNATION OF POTENTIALLY  
RESPONSIBLE NON-PARTIES AT FAULT**

Defendant Watch Systems, LLC, by and through its attorneys, Rutledge, Manion, Rabaut, Terry & Thomas, P.C., and in accordance with MCL § 600.2957, hereby provides its preliminary notice to all parties and the Court that the following non-party may be wholly or partially at fault for the incident, occurrence, injuries and damages claimed in Plaintiff's Complaint and that the relative proportion of fault of these non-parties will be an issue raised by Defendant Watch Systems, Inc. at trial.

The fault of the non-parties may arise as a result of the following or as a result of one or more of the claims or theories of liability set forth in Plaintiff's Complaint

and any Amended Complaints, Counterclaims, amended Counterclaims, and Third Party Complaints and amended Third Party Complaints. The potentially responsible non-parties would include, but not be limited to, the following:

1. Marci Kelley  
Melissa Marinoff  
Michigan State Police  
State of Michigan

In his Complaint, Plaintiff alleges that Defendant Watch Systems, LLC failed to remove Plaintiff's name from the Michigan Sex Offender Registry for several years after Plaintiff was no longer required to register or be published to the registry. During the relevant time period, Marci Kelley and Melissa Marinoff were employed by the Michigan State Police, State of Michigan. These individuals and the Michigan State Police were responsible for inputting the names on the registry and maintaining and updating the registry. Defendant Watch Systems, LLC did not have a duty to input names or alter/edit the registry when an individual was to be removed from the Sex Offender Registry.

The duties of Watch Systems, LLC and the State of Michigan, through the Michigan State Police, are clearly defined in MCL 28.728, et seq., in the contract between the State of Michigan and Watch Systems, LLC, and in 47 USC §230. Watch Systems, LLC only provided the template for the registry program, and only from 2013 forward. As a result of Kelley, Marinoff, Michigan State Police and State of Michigan's negligence in having the sole responsibility for inputting names and

altering/editing the database, they are being identified as potentially responsible non-parties at fault along with their employers, who would be vicariously liable for their negligence.

**RUTLEDGE, MANION, RABAUT,  
TERRY & THOMAS, P.C.**

s/ Dale A. Robinson

By: DALE A. ROBINSON (P55522)  
Attorney for Defendant Watch Systems  
333 West Fort Street, Ste. 1600  
Detroit, MI 48226  
(313) 965-6100

Dated: October 12, 2017.

**CERTIFICATE OF SERVICE**

I, Linda S. Haller, hereby certify and say that I am employed by the law firm of RUTLEDGE, MANION, RABAUT, TERRY & THOMAS, P.C., and that on the 12<sup>th</sup> day of October, 2017, I electronically filed the foregoing paper with the Clerk of the Court using e-filing system which will send notification of such filing to all counsel of record.

I declare that the statements above are true to the best of my information, knowledge and belief.

s/ Linda S. Haller